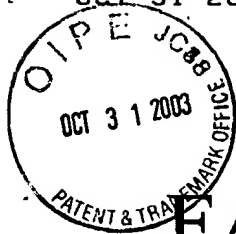


OCT 31 2003 2:12PM

LAW OFFICES OF THOMAS J.

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OCT 31 2003

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TO: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313
Fax (703) 872-9326

FROM: Thomas J. Brindisi
Law Offices of Thomas J. Brindisi
Tel. (310) 439-2901
Fax (310) 439-2902

DATE/TIME: October 31, 2003

15 Pages (including cover sheet)

RE: Summary of Interview

Serial No.:	09/899,398
Title:	Pyrotechnic Initiator with On-Board Control Circuitry
Filing Date:	7/5/01
Inventors:	Abrar A. TIRMIZI
Attorney Docket:	257/210
Examiner	Henry A. Blackner
Art Unit	3641

Attached are:

- (1) Communication Pursuant to 37 CFR 1.8(b); and
- (2) Attachments 1-3 thereto.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence and the attached correspondence(s) referenced above are being facsimile transmitted to the United States Patent and Trademark Office on October 31, 2003.

Signed:


Thomas J. Brindisi



257/210

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 31 2003

Applicant: Abrar A. Tirmizi
Appl. No.: 09/899,398
Filed: July 5, 2001
Title: "Pyrotechnic Initiator with On-Board Control Circuitry"
Group/A.U.: 3641
Examiner: Henry A. Blackner
Docket No.: 257/210

COMMUNICATION PURSUANT TO 37 CFR 1.8(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2213-1450

Dear Sir:

Pursuant to 37 CFR 1.8(b), the undersigned hereby informs the Office of a prior timely-filed response that was evidently not received by the Office. Pursuant to 37 CFR 1.8(b)(2), a copy of the previously mailed correspondence including its Certificate of Mailing is included herewith (as Attachment 1). Pursuant to 37 CFR 1.8(b)(3), the undersigned provides the following statements attesting to the fact that the correspondence of Attachment 1 was timely mailed:

1. The present application was filed on July 5, 2001 by the undersigned's prior law firm, Lyon & Lyon. On November 20, 2002, the undersigned filed a Revocation of Prior Power of Attorney and New Power of Attorney, which was accepted on November 26, 2002. On December 19, 2002, the undersigned filed a timely Amendment responding to the first Office Action in this case. On about June 3 and/or 4, 2003, after having received a Report on the merits of the corresponding PCT case, the undersigned called Examiner Blackner to inquire as to the whereabouts of an Office Action in this U.S. application, because one had not been received after the December 19, 2002 response. Examiner Blackner stated that a Restriction Requirement had been mailed on March 21, 2003, and faxed a copy to the undersigned. (See Attachment 2).

2. As evidenced in the Certificate of Mailing on the front page of Attachment 1, the undersigned filed a proper response on June 23, 2003 by timely depositing it on that day with the United States Postal Service with sufficient postage as First Class Mail, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. As can be seen, the response included the Transmittal, a Request for Refund under 37 CFR 1.26, a Response to Restriction Requirement including a request

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for a two-month extension of time,¹ and a Form PTO-2038 for \$410.00 to cover the fee for the requested extension. A copy of the foregoing was also sent to the client/assignee later that day. (See **Attachment 3** (enclosure omitted)). Also, the undersigned's copy of his June invoice to the client/assignee confirms that this work on June 23, 2003 was specifically described and charged (at 0.6 hours).

3. This week, however, the undersigned received a Notice of Abandonment dated October 23, 2003, stating that no reply had been received to the March 21, 2003 Office Action.²

4. By way of background, it is noted that the undersigned is currently prosecuting numerous patent applications before the United States Patent and Trademark Office, including more than two dozen on behalf of the assignee of this application. All of the other communications (likely numbering in the hundreds by now) in all of the undersigned's other cases have to present knowledge been received in both directions without any such problem since the commencement of his practice in May of 2002. It is also noted for the record that this matter was fully investigated and the present communication prepared promptly after the undersigned learned of the Notice of Abandonment.

Although it is believed that no fee is due herewith, please charge or credit Applicant's attorney's Deposit Account No. 502502 for any fees required or credits in connection herewith.

By signing below, I hereby attest under penalty of perjury that the foregoing statements are true and accurate based on my personal knowledge.

Respectfully submitted,
Law Offices of Thomas J. Brindisi

Dated: October 31, 2003

By: 

Thomas J. Brindisi
Reg. No. 40,348
20 28th Place, Suite B
Venice, California 90291
Tel. (310) 439-2901
Fax. (310) 439-2902

¹ June 23, 2003 was within the time for filing the response with a two-month extension because June 21-22, 2002 was a weekend. 37 CFR 1.7(a).

² Although the basis for abandonment in this case is the lack of any received reply at all (not an incomplete or improper one), it is noted that the June 4, 2003 interview (outlined in the Interview Summary sent with the Notice of Abandonment) did not touch on the merits and is not subject to the requirement of MPBP 713.04 as noted in the comments appended thereto.



Attachment 1



Patent
Attorney Docket: 257/210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Abrar A. Tirmizi

Serial No.: 09/899,398

Filed: July 5, 2001

Title: "Pyrotechnic Initiator with On-Board Control Circuitry"

Group Art Unit: 3510

Examiner: Henry A. Blackner

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith in the above-identified application are the following items:

- (1) Request for Refund under 37 CFR 1.26.
- (2) Response to Restriction Requirement.
- (3) Credit Card Payment Form PTO-2038.

Please charge or credit Applicant's attorney's Deposit Account No. 502502 for any other fees in connection herewith.

Respectfully submitted,
Law Offices of Thomas J. Brindisi

Dated: June 23, 2003

By: 

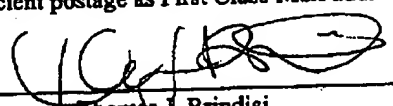
Thomas J. Brindisi
Reg. No. 40,348

20 28th Place, Suite B
Venice, California 90291
(310) 439-2901
fax (310) 439-2902

CERTIFICATE OF MAILING
(37 C.F.R. § 1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

June 23, 2003


Thomas J. Brindisi



257/210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Abrar A. Tirmizi
Appl. No.: 09/899,398
Filed: July 5, 2001
Title: "Pyrotechnic Initiator with On-Board Control Circuitry"
Group/A.U.: 3510
Examiner: Henry A. Blackner
Docket No.: 257/210

Request for Refund

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

A Restriction Requirement was evidently mailed in this application on March 21, 2003, but was never received at the Applicant's attorney's address of record. The attached copy was faxed by Examiner Henry Blackner on June 4, 2003, shortly after the undersigned called and, inter alia, inquired into the status of this application.

Applicant therefore respectfully requests a refund of the fee paid for the two month extension request in this application. The refund may be credited to Applicant's attorney's Deposit Account No. 502502.

Respectfully submitted,
Law Offices of Thomas J. Brindisi

BY

Thomas J. Brindisi

Reg. No. 40,348

Tel. (310) 439-2901

Fax. (310) 439-2902



Attachment 2

OCT 31 2003 2:13PM

LAW OFFICES OF THOMAS J.

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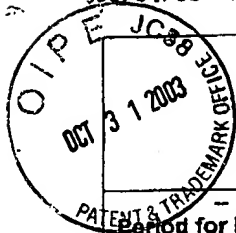
UNITED STATES PATENT & TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL
PROPERTY AND DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

FAX COVER SHEET

To: MR. TOM BRIDISI	From: MR. HENRY A. BLACKNER
Fax: 1-310-439-1102	Art Unit: 3641
Serial No.: 09/899,318	Date: 4 JUNE 2003
CC:	Phone No.: 703-305-4744

08/04/03 WED 16:04 FAX

**Office Action Summary**

Application No.

09/899,398

Applicant(s)

TIRMIZI, ABRAR

Examiner

Henry A. Blackner

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Application/Control Number 09/899,398

Page 2

Art Unit: 3641

DETAILED ACTION*Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10 and 17-19, drawn to an on-board circuitry automotive pyrotechnic initiator and mating connector assembly, classified in class 102, subclass 202.14.
- II. Claims 11-16, drawn to a mating connector assembly, classified in class 439, subclass 180.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the combination as set forth in claim 17, which does not require all of the particulars of the subcombination as claimed for patentability. The subcombination has separate utility such as a light bulb socket.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry A. Blackner whose telephone number is 703-305-4799. The examiner can normally be reached on 08:45 - 17:15.